



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

\$ 9200/2171  
#19

In re Application of : Monahan, Christopher J., et.al.  
Serial No. : 08/795,997  
Filed : February 5, 1997  
Art Unit : 2177  
Examiner : Choules, Jack M.  
Title : TRANSPARENT LIBRARY MANAGEMENT  

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Atty Docket No. : TUC9-1990-0007XR

Attn: PETITIONS  
Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION  
UNDER MPEP 711.03**

The applicants hereby petition for withdrawal of the holding of abandonment mailed July 1, 2002. The Office abandoned the application because a reply to an Office Action was not received. In view of the evidence presented in support of the contention that the applicant's representative did not receive the original Office Action mailed on December 6, 2001, the applicants respectfully request the remailing of such Office Action in accordance with MPEP 7.11.03(c)(II), together with the resetting of the time period for reply in accordance with the office procedures set forth in the Deputy Commissioner's "Memorandum-I, Resetting Period for Reply and Remailing..." dated February 15, 2002.

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Statement & Evidence

I.. The Office Action mailed December 6, 2001, was never received by the offices for the attorney of record of which the undersigned is a part. A search of the file jacket and docket records also indicates that the Office Action was not received. A copy of docket records where the nonreceived Office Action would have been entered had it been received and docketed is attached. EXHIBIT A shows a docket page for the subject application, from the undersigned attorney's computer docketing system. As shown by the handwritten arrow #1, entries under "Event Name" have no indications of the December 6, 2001 Office Action having been received. However, applicants' receipt of other communications regarding the application are shown. In view of the above, the undersigned has concluded that the Office Action dated December 6, 2001, was not received.

Finally, the undersigned understands that a phone call from the Examiner to the attorney of record was received on or about the mailing date of the Notice of Abandonment, however the undersigned also understands that there was no discussion of an abandonment issue during such call.

II.

Request

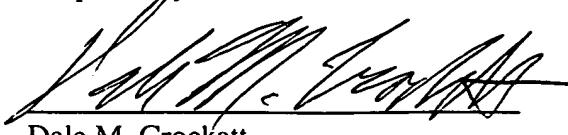
The Office is requested to withdraw the holding of abandonment and remail the Office Action in accordance with MPEP 711.03(c).

Fees

The Commissioner is authorized to charge the petition fee of \$130, as required by 37 CFR 1.17(h), to Deposit Account 09-0449. The Commissioner is also authorized to charge any deficit, or credit any overpayment, to this same account.

Respectfully submitted,

Date: August 30, 2002



Dale M. Crockatt

Reg. No. 35,109

USPTO Customer 33595

EXHIBIT A



**Docket TUC9-1990-0007-US3**

**Application 08/795997**

**Reissue of TUC9-1990-0007-US2**

Prepared for and/or by an IBM Attorney - IBM Confidential

Created By: MigrationAgent    Created On: 10/05/1999 06:04:08 AM

Event Name	Date	Recorded by
DOCKET APPLICATION FOR FILING	25-Apr-1990	MigrationAgent
File Application for Reissue	5-Feb-1997	Migration Agent
RECEIVE OFFICE ACTION	28-Jul-1998	MigrationAgent
FILE AMENDMENT	17-Nov-1998	MigrationAgent
Telephone Interview with Examiner	13-Apr-1999	Migration Agent
FILE AMENDMENT (SUPPLEMENTAL)	30-Apr-1999	MigrationAgent
Receive Office Action (Non-Final)	17-Mar-2000	Celi White
File Amendment (Response to Office Action	17-May-2000	Celi White
Telephone Interview with Examiner	6-Mar-2001	Frances Diaz
File Amendment (Response to Office Action	7-Mar-2001	Frances Diaz
Receive Notice of Abandonment	1-Jul-2002	Frances Diaz

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION  
UNDER MPEP 711.03**

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on August 30, 2002.

Frances Diaz  
Name of Person Mailing Paper

Frances Diaz



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Date: August 30, 2002  
Monahan, Christopher J., et.al. : Group Art: 2177  
Filed: February 5, 1997 : Examiner: Choules, J.M.  
Serial Number: 08/795,997 : From: Tucson, AZ 85744  
For: TRANSPARENT LIBRARY MANAGEMENT

ASSOCIATE POWER OF ATTORNEY (37 C.F.R. 1.34)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please recognize as Associate Practitioner in this case:

Dale M. Crockatt  
IBM CORPORATION  
Intellectual Property Law (90A/9032)  
9000 South Rita Road  
Tucson, AZ 85744  
Reg. no.: 35,109  
Tel. no.: (520) 799-5025

Respectfully submitted,  
Monahan, C. J., et. al.

By Robert M. Sullivan

Robert M. Sullivan  
Attorney of Record  
Registration No.: 39,391  
Phone: (520) 799-2550  
From: IBM Corporation  
Intellectual Property Law  
9000 South Rita Road (90A/9032)  
Tucson, Arizona 85744

RMS/fgd

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on

August 30, 2002.

Date of Deposit

Frances Diaz  
Name of Person Mailing Paper

Frances Diaz

08/795,997

TUC9-1990-0007-US3